

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Shevani Patel	Team: Team # 5	CCRB Case #: 201310549	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 11/03/2013 2:00 AM	Location of Incident: § 87(2)(b)	Precinct: 41	18 Mo. SOL 5/3/2015	EO SOL 5/3/2015	
Date/Time CV Reported Sun, 11/03/2013 4:39 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 11/08/2013 2:17 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LT Daniel Guerra	00000	932755	041 PCT
2. POM Ahsan Zafar	03773	949822	041 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Carlos Cruz	03361	948830	041 PCT
2. POM Jose Lopez	13863	951938	041 PCT
3. POM Lawrence Sanchez	26252	942502	041 PCT
4. POM Kevin Critelli	04341	948826	041 PCT
5. POM Jonathan Chabrier	18690	951601	041 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Daniel Guerra	Force: Lt. Daniel Guerra used his taser against § 87(2)(b)	
B.POM Ahsan Zafar	Force: PO Ahsan Zafar used physical force against § 87(2)(b)	

Case Summary

On November 3, 2013, Sgt. Brian Padovani of Patrol Borough Bronx filed the following complaint on behalf of § 87(2)(b) over the phone with IAB, where it received log number 13-46719. On that same day, Sgt. Dervent Williams of the 41st Precinct and § 87(2)(b) filed the following complaint on behalf of § 87(2)(b) over the phone with IAB; this complaint was included on the above-referenced IAB log. On November 8, 2013, IAB referred the complaint to the CCRB.

On November 3, 2013, at approximately 2:00 a.m., approximately 50 officers from the 41st Precinct, Patrol Borough Bronx and the Emergency Services Unit responded to a large fight at a baby shower at § 87(2)(b) in the Bronx. Approximately 8 to 10 unidentified officers attempted to apprehend § 87(2)(b) who was involved in the fight, but he “squared off” against the officers. Lt. Daniel Guerra of the 41st Precinct used his taser against § 87(2)(b) (**Allegation A**). § 87(2)(b) sustained a laceration to his head and bruising to his face and body. He was removed to § 87(2)(b) where he was diagnosed with a small fracture to his right cheek bone. As § 87(2)(b) was being arrested, PO Ahsan Zafar of the 41st Precinct was conducting crowd control. § 87(2)(b) was attempting to create a path through the crowd when PO Zafar punched her in the face, handcuffed her and dragged her out of the building (**Allegation B**). § 87(2)(b) was removed to an unspecified hospital and was diagnosed with a cut to the face and left upper molar. § 87(2)(b) and § 87(2)(b) were arrested on multiple charges. There were no other arrests during the incident.

IAB identified the officer who used his taser against § 87(2)(b) as Lt. Guerra and identified the officer who punched § 87(2)(b) as PO Zafar. IAB also listed PO Carlos Cruz of the 41st Precinct, PO Jose Lopez of Patrol Borough Bronx, PO Lawrence Sanchez of the 41st Precinct, PO Kevin Critelli of the 41st Precinct and PO Jonathan Chabrier of Patrol Borough Bronx as subject officers. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

IAB provided only an address for § 87(2)(b). His arrest report in connection with this incident listed the same address and disclosed no telephone numbers. On November 13, 2013, a search of CTS indicated that § 87(2)(b) did not file any prior complaints with the CCRB. On November 13, 2013 and November 25, 2013, please call letters were sent to § 87(2)(b). These letters were not returned by the United States Postal Service. On November 18, 2013, a search of the Booking and Arraignment Disposition System revealed only one prior arrest report for § 87(2)(b) but it was sealed. On that same day, a search of the White Pages found one result for § 87(2)(b) confirming his address, but provided no corresponding telephone number. On November 18, 2013, a call was made to IAB and it was confirmed that there was no additional contact information for § 87(2)(b). On November 20, 2013, a search of the COLES directory of the Bronx did not list any result for § 87(2)(b)'s provided address. On November 21, 2013, a search of Lexis Nexis confirmed § 87(2)(b)'s address and apartment number. There was no corresponding telephone number. However, an adjacent listing showed “§ 87(2)(b)” at the same address with a corresponding telephone number. From November 22, 2013 to December 2, 2013, this number was called five times. These calls were not answered and did not elicit any voicemail capabilities. On November 26, 2013, a search of E-Courts records revealed that § 87(2)(b)'s criminal attorney worked at the § 87(2)(b). On November 27, 2013, a call was made to the § 87(2)(b) office and the undersigned was informed that § 87(2)(b)'s criminal attorney was § 87(2)(b). From November 27, 2013 to December 4, 2013, § 87(2)(b)

was called four times in an attempt to retrieve additional contact information for § 87(2)(b). Voicemails were left on the first three calls and § 87(2)(b) answered the final call. § 87(2)(b) refused to provide the undersigned with § 87(2)(b)'s telephone number or address. However, she stated that she called § 87(2)(b) upon received the undersigned's voicemails and informed him that the undersigned was attempting to reach him. § 87(2)(b) informed § 87(2)(b) that he had been busy. On December 19, 2013, a search of the NYC Department of Correction website did not indicate that § 87(2)(b) was incarcerated. § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(g)

IAB provided no telephone number or address for § 87(2)(b). On November 13, 2013, a search of CTS indicated that § 87(2)(b) did not file any prior complaints with the CCRB. On November 18, 2013, a call was made to IAB and it was confirmed that there was no additional contact information for § 87(2)(b). On December 30, 2013, a search of the White Pages revealed three individuals with the name § 87(2)(b) with three corresponding addresses and two telephone numbers. On that same day, initial please call letters were sent to all three addresses. These letters were not returned by the United States Postal Service. On December 30, 2013, the first number found on White Pages was called. The individual who answered the phone, "§ 87(2)(b)" stated that both her husband and son are named § 87(2)(b) and took a message for both to call the undersigned. On that same day, the second number on White Pages was called, but the number was out of service. On December 31, 2013, a search of the Booking and Arraignment Disposition System revealed to additional addresses for possible individuals named § 87(2)(b) and please call letters were sent to both addresses. These letters were not returned by the United States Postal Service. On January 2, 2014, § 87(2)(b) left a voicemail for the undersigned as he received the message from his mother, "§ 87(2)(b)". From January 2, 2014 to January 14, 2014, § 87(2)(b) was called four more times. Two of the calls did not provide voicemail capabilities, but messages were left during the remaining calls. During the first call, § 87(2)(b) provided a telephone statement and § 87(2)(b)'s contact information. He scheduled his sworn statement for January 10, 2014, which he failed to appear to without notifying the undersigned beforehand. On January 2, 2014 and January 10, 2014, please call letters were sent to § 87(2)(b). These letters were not returned by the United States Postal Service. On January 15, 2014, a search of the NYC Department of Correction website did not indicate that § 87(2)(b) was incarcerated.

IAB provided only an address for § 87(2)(b). Her arrest report in connection with this incident listed the same address and disclosed no telephone numbers. On November 13, 2013, a search of CTS indicated that § 87(2)(b) did not file any prior complaints with the CCRB. On November 13, 2013 and November 25, 2013, please call letters were sent to § 87(2)(b). These letters were not returned by the United States Postal Service. On November 18, 2013, a search of the Booking and Arraignment Disposition System revealed no prior arrest reports for § 87(2)(b). On that same day, a search of the White Pages found no results. On November 18, 2013, a call was made to IAB and it was confirmed that there was no additional contact information for § 87(2)(b). On November 20, 2013, a search of the COLES directory of Westchester did not list any telephone number for § 87(2)(b)'s address. On November 21, 2013, a search of Lexis Nexis found no results matching § 87(2)(b). On November 26, 2013, a search of E-Courts records revealed that § 87(2)(b)'s criminal attorney worked at the § 87(2)(b). On November 27, 2013, a call was made to the § 87(2)(b) office and the undersigned was informed that they had no record of § 87(2)(b) in their system. An additional search by docket number also found no record of § 87(2)(b). On December 19, 2013, a search of the NYC Department of

Correction website did not indicate that § 87(2)(b) was incarcerated. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(g)]

On January 2, 2014, § 87(2)(b) confirmed § 87(2)(b)'s listed mailing address and provided her telephone number to the undersigned. From January 2, 2014 to January 10, 2014, § 87(2)(b) was called six times; messages were left each time. On January 3, 2014, contact was made with § 87(2)(b) who confirmed her contact information, but refused to provide a telephone statement as she wanted attorney advisement beforehand. On January 6, 2014, contact was again made with § 87(2)(b) who stated that she was awaiting a call back from her attorney. On January 10, 2014, § 87(2)(b) left a message for the undersigned stating that her attorney had not responded to her contact attempts; however, § 87(2)(b) expressed interest in pursuing her complaint regardless. On that same day, a seventh call was made to § 87(2)(b) and a voicemail was left requesting a call back. On January 15, 2014, a search of the NYC Department of Correction website did not indicate that § 87(2)(b) was incarcerated. To date, she has not responded to the undersigned's attempts to obtain a statement. § 87(2)(g)

Team: 5

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date